

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.4884 of 2001 (MS)

(Old No. 288/81)

State of U.P. through the Regional Inspector of Girls Schools,
Pauri Garhwal**Petitioner.**

Versus

1. District Judge, Pauri Garhwal
2. The prescribed Authority, Lansdowne Garhwal
3. Sukhbir Singh Bhandari, Sadar Bazar, Lansdowne.
.....**Respondents.**

Dated: 10.7.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the orders dated 30.9.80 and 22.3.1980 passed by the respondents no.1 and 2 respectively.

Briefly stated according to the respondent no. 3, the building in question was let out to the petitioner by executing a lease deed and the petitioner is running a Girls High School since 1979. The rent of the building in question was Rs.100/- per month. The respondent no.3 moved an application under section 9 (1) of the U.P. Urban Buildings (Regulation of Letting Rent and Eviction) Act, 1972 for determination of standard rent. The Prescribed Authority after considering the objections of the petitioner, enhanced the rent to Rs.500/- per month. An appeal was preferred against such order beyond the period of limitation and an application under section 5 of the Limitation

Act, was filed for condonation of delay. The appellate Court has dismissed the appeal on the ground of limitation.

The order of enhancement was passed by the Prescribed Authority on 22.3.1980 and limitation for filing appeal against the order is 30 days. However, the appeal was filed on 30.6.1980 along with application under section 5 of the Limitation Act. The appellate Court was not satisfied by the grounds made in the application for condonation of delay and accordingly dismissed the application.

I have considered the question of enhancement of rent, a building fetching rent of Rs.100/- in the year 1961, can in no way Rs. 500/-as rent can be said to be unjustified.

The building was leased out in the year 1961 and a school is being run by the petitioner in the premises in question. Considering the hike in rent through, the order passed by the Prescribed Authority requires no interference.

The writ petition lacks merit and is hereby dismissed.

No order as to costs.

Rajesh Tandon, J

Dated: 10.7.2006

** Dhyan*